

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION)) MDL NO. 1456) Civil Action No. 01-12257-PBS) Subcategory No. 07-12141
THIS DOCUMENT RELATES TO:)) Judge Patti B. Saris
<i>State of Iowa</i>))
v.))
<i>Abbott Laboratories Inc., et al.</i>)

FEBRUARY 2009 STATUS REPORT FOR THE STATE OF IOWA

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for February 2009, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: February 3, 2009

Respectfully submitted,

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By: /s/ Joanne M. Cicala

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February 2009 Status Report for the State of Iowa

Case Management Orders

(1) Iowa CMO

On August 8, 2008, plaintiff and defendants submitted separate motions for entry of a proposed Iowa Case Management Order. *See* Plaintiff's Motion for Entry of Iowa Case Management Order (Docket #5501); *see* Defendants' Motion for Entry of Iowa Case Management Order (Docket #5495). On August 27, 2008, the Court referred these motions to Magistrate Judge Bowler. Magistrate Judge Bowler ruled on the respective proposed Case Management Orders during the hearing held on December 16, 2008. On December 17, 2008, Magistrate Judge Bowler entered an electronic order granting in part and denying in part plaintiff's motion (Docket #5501), and granting in part and denying in part defendants' motion (Docket # 5495). In that same order, the Court directed the parties to file a joint proposed CMO consistent with the December 16, 2008 rulings. On January 7, 2009, the parties filed a Joint Motion for Entry of Proposed Case Management Order. (Docket # 5824; Subdocket # 26). On January 22, 2009, the Honorable Judge Patti B. Saris entered an order granting the parties' Joint Motion for Entry of Case Management Order (hereinafter "the January 22, 2009 CMO").

On January 15, 2009, in accordance with Paragraph 3 of the January 22, 2009 CMO, the following defendants deemed materials previously produced to Kirby McInerney LLP in *The City of New York, et al. v. Abbott Labs, Inc., et al.*, to be produced to plaintiff in *State of Iowa v. Abbott Labs., Inc., et al.*: Abbott Laboratories, Inc., TAP Pharmaceutical Products, Inc., Sandoz,

Inc., Warrick Pharmaceuticals Corporation, Schering Corporation, Schering-Plough Corporation, Novartis Pharmaceuticals Corporation, Dey, Inc., and Dey, L.P.

On January 15, 2009, defendants Boehringer Ingelheim Pharmaceuticals, Inc., Ben Venue Laboratories, Inc., and Boehringer Ingelheim Roxane, Inc., informed plaintiff that they would make a production in accordance with Paragraph 3 of the January 22, 2009 CMO on January 20, 2009. Accordingly, on January 20, 2009, the above defendants produced 17 disks to plaintiff.

(2) CMO 35

On November 4, 2008, the Court issued Case Management Order No. 35 (docket #5664), with respect to current and future filings in the instant MDL 1456. CMO 35 created subcategory case numbers (e.g. 07-12141 for the State of Iowa action) and corresponding dockets. In addition, the Court ordered the parties to identify all documents previously filed in the master docket that should also be identified in the subcategory docket. On December 3, 2008, all parties in MDL 1456 filed their Joint Motion for Extension of Time to Comply with Case Management Order No. 35 (Docket # 5742). The parties requested that the deadline for complying with Case Management Order No. 35 (Docket # 5742) be extended to January 9, 2009, due to the large volume of entries requiring sub-categorization. On December 16, 2008, the Court entered an electronic order granting the motion. On January 7, 2009, the parties filed their Stipulation Identifying Previously Filed Documents in Iowa AWP Case. (Docket #5825; Subdocket # 27).

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 3rd day of February, 2009, she caused a true and correct copy of the above February 2009 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: February 3, 2009

/s/ Kathryn B. Allen
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